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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER 02-728-L (400,166US)</b>
INTERNATIONAL APPLICATION NO. PCT/US04/020516	INTERNATIONAL FILING DATE 25 June 2004	PRIORITY DATE 27 June 2003
<b>TITLE OF INVENTION</b> RNA Interference Mediated Treatment of Alzheimer's Disease Using Short Interfering Nucleic Acid (siNA)		
<b>APPLICANT(S) FOR DO/EO/US</b> James McSwiggen et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))</p> <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li><input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required; as the application was filed in the United States Receiving Office (RO/US).</li> </ol> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C.)</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> is attached hereto.</li> <li><input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))</p> <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input type="checkbox"/> have not been made and will not be made.</li> </ol> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</p>		
Items 11 to 20 below concern document(s) or information		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input checked="" type="checkbox"/> An application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13/er.2 and 35 U.S.C. 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International Application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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U.S. APPLICATION NO. (if known, see 37 CFR 107562581		INTERNATIONAL APPLICATION NO. PCT/US04/020516	ATTORNEY'S DOCKET NUMBER 02-728-L (400.166US)																																																																																						
<p>The following fees are submitted:</p> <table border="1"> <tr> <td colspan="2">21. <input checked="" type="checkbox"/> Basic national fee .....</td> <td>\$300</td> <td>CALCULATIONS</td> <td>PTO USE ONLY</td> </tr> <tr> <td colspan="2">22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). ....</td> <td>\$100</td> <td>\$</td> <td>\$200.00</td> </tr> <tr> <td colspan="2">All other situations. ....</td> <td>\$200</td> <td></td> <td></td> </tr> <tr> <td colspan="2">23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority .....</td> <td>\$100</td> <td></td> <td></td> </tr> <tr> <td colspan="2">International Search Report prepared and provided to the Office .....</td> <td>\$400</td> <td></td> <td></td> </tr> <tr> <td colspan="2">All other situations. ....</td> <td>\$500</td> <td>\$</td> <td>\$400.00</td> </tr> <tr> <td colspan="2"><b>TOTAL OF 21, 22 and 23 =</b></td> <td></td> <td>\$</td> <td><b>\$900.00</b></td> </tr> </table> <p><input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.</p> <table border="1"> <thead> <tr> <th>Total Sheets</th> <th>Extra Sheets</th> <th>Number of each additional 50 or fraction thereof (round up to a whole)</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>232 - 100 =</td> <td>132 /50 =</td> <td>3</td> <td>x \$250.00 \$ 750.00</td> </tr> </tbody> </table> <p>Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).</p> <table border="1"> <thead> <tr> <th>CLAIMS</th> <th>NUMBER FILED</th> <th>NUMBER EXTRA</th> <th>RATE</th> </tr> </thead> <tbody> <tr> <td>Total claims</td> <td>35 - 20 =</td> <td>15</td> <td>x \$50.00 \$ 750.00</td> </tr> <tr> <td>Independent claims</td> <td>1 - 3 =</td> <td>0</td> <td>x \$200.00 \$ 0.00</td> </tr> <tr> <td>Multiple Dependent Claims (if applicable)</td> <td><input type="checkbox"/></td> <td>+ \$360.00</td> <td>\$</td> </tr> <tr> <td colspan="4"><b>TOTAL OF ABOVE CALCULATIONS =</b> \$ 2,400.00</td> </tr> </tbody> </table> <p><input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</p> <table border="1"> <thead> <tr> <th colspan="2">SUBTOTAL =</th> <th>\$ 1,200.00</th> </tr> </thead> <tbody> <tr> <td colspan="2">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).</td> <td>\$</td> </tr> <tr> <td colspan="2"><b>TOTAL NATIONAL FEE =</b></td> <td>\$ 1,200.00</td> </tr> <tr> <td colspan="2">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per</td> <td>+ \$</td> </tr> <tr> <td colspan="2"><b>TOTAL FEES ENCLOSED =</b></td> <td>\$ 1,200.00</td> </tr> <tr> <td colspan="2"></td> <td>Amount to be refunded:</td> <td>\$</td> </tr> <tr> <td colspan="2"></td> <td>Amount to be charged:</td> <td>\$</td> </tr> </tbody> </table> <p>a. <input checked="" type="checkbox"/> A check in the amount of <u>\$1,200.00</u> to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account <u>13-2490</u> in the amount of <u></u> to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account <u>13-2490</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO:  Lisa M.W. Hillman  McDonnell Boehnen Hulbert and Berghoff LLP  300 S. Wacker Drive  Chicago, IL 60606</p> <p style="text-align: center;">12-27-05</p> <p>SIGNATURE </p> <p>Lisa M.W. Hillman  NAME</p> <p>43,673  REGISTRATION NUMBER</p>				21. <input checked="" type="checkbox"/> Basic national fee .....		\$300	CALCULATIONS	PTO USE ONLY	22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4). ....		\$100	\$	\$200.00	All other situations. ....		\$200			23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the International application to the USPTO as an International Searching Authority .....		\$100			International Search Report prepared and provided to the Office .....		\$400			All other situations. ....		\$500	\$	\$400.00	<b>TOTAL OF 21, 22 and 23 =</b>			\$	<b>\$900.00</b>	Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole)	RATE	232 - 100 =	132 /50 =	3	x \$250.00 \$ 750.00	CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	Total claims	35 - 20 =	15	x \$50.00 \$ 750.00	Independent claims	1 - 3 =	0	x \$200.00 \$ 0.00	Multiple Dependent Claims (if applicable)	<input type="checkbox"/>	+ \$360.00	\$	<b>TOTAL OF ABOVE CALCULATIONS =</b> \$ 2,400.00				SUBTOTAL =		\$ 1,200.00	Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).		\$	<b>TOTAL NATIONAL FEE =</b>		\$ 1,200.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). 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10/562561  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No.: 02-728-L (400/166US))

In the Application of:

McSwiggen, et al. ) Art Group: TBA  
Serial No.: TBA )  
Filed: Herewith ) Examiner: Not assigned  
For: RNA Interference Mediated Treatment of )  
Alzheimer's Disease Using Short Interfering )  
Nucleic Acid (siNA) )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

1. The Compact Disc contained herein "02-728-L (400.166US) Sequence Listing.ST25") submitted under 37 C.F.R. § 1.52(e):

- Is formatted for IBM-PC Machines
- Is compatible with MS-Windows Operating System
- Contains the file "02-728-L (400.166US) Sequence Listing.ST25" which is 672,664 bytes in size and was created on 11/29/05.

2. Statement under 37 C.F.R. § 1.52(e)(4): The undersigned certifies that the original CD-R submitted herein, titled "02-728-L (400.166US) Sequence Listing.ST25" (COPY 2) and the copy CD-R entitled "02-728-L (400.166US) Sequence Listing.ST25" (COPY 1) are identical in content as required by C.F.R. § 1.52(e)(4).

Respectfully submitted,

McDonnell Boehnen Hulbert & Berghoff LLP

Dated: December 27 2005

By:

Lisa M. W. Hilkman  
Reg. No. 43,673

McDonnell Boehnen Hulbert & Berghoff LLP  
300 South Wacker Drive  
32nd Floor  
Chicago, Illinois 60606  
Phone: 312-913-0001  
Fax: 312-913-0002

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Doc Code: CDCHECK

This form is to be used for PCT CD's  
that are readable.

ACKNOWLEDGEMENT OF RECEIPT OF FILES ON COMPACT DISC  
The files indicated on the attached transmittal document were received  
by the USPTO, opened on a USPTO computer and were readable in  
accordance with 37 CFR 1.52 (e) (7).

Karen Smith (name of tester) 1-4-2006 (date)